

Margaret Langlois Case 05-10190
RWZ Before Judge Zobel

FILED
IN CLERKS OFFICE

2005 FEB 16 P 2:43

give her clerk permission
To get "All" EVID "Impounded"

U.S. DISTRICT COURT
DISTRICT OF MASS.

Not Docketed on all Cases

99-10227 R. 65. - 99-10233 R. 65.

over To Judge Zobel's Clerk
for case Above 05-10190 R. W. Z.

"False + Wrongfully Convicted."

1) Audio Tape in Evid

2) Affidavits —

3) SEARCH WARRANT DATED 3/6/96 (8 Days)

A. And "All EVID" A.S.A.P. To Judge
Zobel's Clerk

c.c. Judge Zobel Margaret Langlois
2/16/05.

Clairie Maherty - Tashin

Judge R. G. Starnis possession
+ Impounded + Not Docketed
on Record why — Margaret Langlois
2/16/05

COPY ACTIVITY REPORT

DATE 02/16/05
TIME 12:06PM

SERIAL NUMBER
C13 TOTAL MARKED IMAGES START FINISH
FWK-006923
19825
19861

PAPER SIZE 8.5 X 11
COPIES MADE SINGLE SIDE
COPIES MADE DOUBLE SIDE
PLEASE TAKE THIS REPORT TO THE CASHIER

36

- 1) C.C. J.A. MARTHA
COAKLEY
- 2) C.C. JUDGE
LARIAT
FOR CASE -
96-1416-001-002
- 3) C.C. for JUDGE ZOBEL
- 4) C.C. OTHER'S Social Security
for WIDOWS - FOR 29rs. BACK
- 5) GOVERNOR ROMNEY -
- 6) MYSELF -

To Records on
Socket Case
for
Case
05-10190
R.W.Z.

COPY ACTIVITY REPORT

DATE 02/16/05
TIME 12:08PM

SERIAL NUMBER FWK-006923
C13 TOTAL MARKED IMAGES START FINISH
19862
19868

PAPER COPIES MADE COPIES MADE
SIZE SINGLE SIDE DOUBLE SIDE

8.5 X 11 6

PLEASE TAKE THIS REPORT
TO THE CASHIER

COLLECTION

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARGETTA LANGLOIS,

Plaintiff,

v.

COMMONWEALTH OF MASSACHUSETTS,

Defendant.

C.A. No. 05-10190-RWZ

CASE SHOULD NOT BE DISMISSED
MEMORANDUM AND ORDER

W/out HEARING
AND ALL EVID IS
Impounded

For the reasons stated below, plaintiff is directed to either pay \$150.00 filing fee for civil actions or submit an application to proceed without prepayment of fees. If plaintiff files an application to proceed without prepayment of the filing fee, she shall also demonstrate good cause why this action should not be dismissed for the reasons stated below.

BACKGROUND

Plaintiff brings this pro se action seeking monetary damages in the amount of \$500,000 from the Commonwealth for "wrongful conviction." With her complaint, plaintiff submits several documents including copies of newspaper articles, a Board of Bar Overseers complaint against plaintiff's criminal trial counsel as well as documents concerning her

ALL EVID
FROM 9/99, 5/04

PLEASE HAVE ELAINE FLAHERTY bring ALL EVID over
PLEASE GET "ALL EVID" Impounded by Judge
R. GUSTARNS "THE GARY" + TIM SURE
EVID. IS MISSING NEVER DOCKETED ON
RECORDED BY ELAINE FLAHERTY why —

Massachusetts conviction.¹

In 1997, plaintiff was convicted of maintaining a house of prostitution in violation of G.L. c. 272, § 6 and she subsequently served her sentence at MCI Framingham. It appears that the gravamen of her complaint is that she was wrongfully convicted based upon alleged (1) police misconduct; (2) prosecutorial misconduct; and (3) ineffective assistance of trial counsel.

The Court's records indicate that plaintiff previously filed several civil rights and habeas actions concerning the matters raised in the instant action. See Langlois v. MCI Framingham, C.A. No. 99-10227-RGS (§ 2254 action, dismissed because petitioner no longer in custody); Langlois v. John McBride, et al., C.A. No. 99-10228-RGS (§ 1983 action, summary dismissal); Langlois v. O'Donnell, C.A. No. 99-10229-RGS (§ 1983 action, summary dismissal); Langlois v. Massachusetts Dep't of Corr., C.A. No. 99-10230-RGS (civil action summarily dismissed), appeal dismissed, No. 00-1125 (appeal dismissed for want of prosecution); Langlois v. Massachusetts Dep't of Corr., C.A. No. 99-10231-RGS (civil

¹Pursuant to Fed. R. Civ. P. 10(c), a Court may treat exhibits to the complaint as "a part [of the pleading] for all purposes" including a motion to dismiss. See Blackstone Realty, LLC v. FDIC, 244 F.3d 193, 195 (1st Cir. 2001).

action summarily dismissed), appeal dismissed, No. 00-1126
(appeal dismissed); Langlois v. Middlesex Superior Court, et al., C.A. No. 99-10232-RGS (§ 1983 action, summary dismissal);
and Langlois v. Middlesex Superior Court, et al., C.A. No.

99-10233-RGS (§ 1983 action, summary dismissal). *ALL DISMISSED*

*WITHOUT 30 DAY SUMMONS RETURNED NO HEARINGS NO EVID. & NO DISCUSSION
TAPE, P. I. APP, COPY OF S.W. ALL THROWN INTO IMPOUNDMENT NOT DOCKETED
WHY?!*

As an initial matter, plaintiff has not paid the filing fee nor filed an application for waiver of the filing fee. A party filing a civil action in this Court must either (1) pay the \$150 filing fee for civil actions or (2) file an application to proceed without prepayment of the filing fee.

See 28 U.S.C. § 1914 (filing fee for civil actions); Fee Schedule for the District of Massachusetts; 28 U.S.C. § 1915 (proceedings in forma pauperis). *PD. 2/10/05 BY CHECK*

Because Langlois has not submitted the filing fee or an application for waiver of the filing fee, she will be granted additional time to do so. However, plaintiff is advised that her complaint is subject to dismissal. *PD. 2/10/05 BY CHECK*

The Eleventh Amendment² generally is recognized as a bar

²The Eleventh Amendment to the United States Constitution provides that:

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens

VIOLATIONS OF PLAINIFF'S CIVIL RIGHTS NOTICE & REQUESTS FOR HEARINGS IGNORED WHY? NO EVID. IMPOUNDED

to suits against a State, its departments and agencies unless the State has consented to suit. Alabama v. Pugh, 438 U.S. 781, 781 (1978) (per curiam). Unless a State has "waived its Eleventh Amendment immunity or Congress has overridden it, ... a State cannot be sued directly in its own name regardless of the relief sought." Kentucky v. Graham, 473 U.S. 159, 167 n. 14 (1985) (citing Pugh). Here, the Commonwealth has not consented to suit, see Brown v. Newberger, 291 F.3d 89, 92 (1st Cir. 2002) (stating that there has been no unequivocal abrogation of the Commonwealth's Eleventh Amendment immunity). Thus, the Eleventh Amendment bars plaintiff's suit against the Commonwealth. See Puerto Rico Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc., 506 U.S. 139, 142-144 (1993) (11th Amendment operates as a withdrawal of jurisdiction).

Moreover, the statute of limitations for claims under the Civil Rights Act is three years. Nieves v. McSweeney, 241 F.3d 46, 52-53 (1st Cir. 2001) (§ 1983); cf. Rodriguez-Garcia v. Municipality of Caguas, 354 F.3d 91, 96 (1st Cir. 2004) (§§ 1981, 1983, and 1985 borrow the forum state's statute of limitations for personal injury claims); Mass. Gen. Laws ch.

or Subjects of any Foreign State.

U.S. Const. Amend. XIV.

GOVERNOR Romney Passed A New Law for
"WRONOTFULLY CONVICTED. 1/1/05"

260, § 2A (three-year statute of limitations for personal

injury claims). *HAS BEEN plenty of ACTION ON ALL CASES*

BEFORE 99-10227 R.G. TO 99-10233 R.G. NOT DOCKETED AND
Thus, because the actions of which plaintiff complains

Denied why? occurred well over three years ago, it appears that this

action, to the extent it is brought pursuant to the Civil

Rights Act, is untimely.

JUDGE HAS IMPOSED ALL FEES
& DENYING PLAINTIFFS RIGHTS TO HEAR ARGUMENTS & DEFENDERS -
why?

CONCLUSION

ACCORDINGLY, if plaintiff wishes to proceed with this
action, she shall, within ten (10) days of the date of this
Memorandum and Order, (1) either pay the \$150.00 filing fee or
file an Application to Proceed Without Prepayment of Fees; and
(2) if she submits an Application to Proceed Without
Prepayment of Fees, she shall also demonstrate good cause, in
writing, why this action should not be dismissed for the
reasons stated above. *Pd. BY CHECKS —*

If plaintiff fails to either pay the filing fee or file
an Application to Proceed Without Prepayment of Fees
accompanied by a document demonstrating good cause, this
action will be dismissed without prejudice. *2/10/05 Pd. BY CHECK.*

The Clerk is directed to send to plaintiff an Application
to Proceed Without Prepayment of Fees and Affidavit with this
Order.

SO ORDERED.

Pd. 2/10/05 BY check filing fees

Margaretta 2/16/05
Longlois
Judge
cc: Judge C. is Dr. Martin
COAKLEY
cc: Judge R.G. STEPHEN

Dated at Boston, Massachusetts, this 4th day of February, 2005.

/s/ Rya W. Zobel
 RYA W. ZOBEL
 UNITED STATES DISTRICT JUDGE

EVID. TO BE PRODUCED AT PRE-TRIAL HEARING WITH HEID By Prosecutors, D.A. & A.D.A. Police ^{#5} (Mc Bride - & All Lawyers after #6, #7, #8)

1) AUDIO TAPE NEVER PRODUCED - w/ HEID AT TRIAL DUE TO POLICE CONDUCTING ILLEGAL SEARCH w/ NO SEARCH WARRANT -

2) P.I. KEVIN FLYNN w/ HEID By All To Testify — w/ Police Committing Perjury To FAUSELY Indict - will testify not to tell Conspiracy, Corruption & Cover-up.

3) #2 RICHARD DAVIDSON To Testify ¹ All Evid. Tampered with by Comm. & Police once in their custody — 2) SEARCH WARRANT ⁸ Days

^{Testified After...} FULLY 3) MONIES MISSING - 4) STATEMENT (FAUSE & FORGET) 5) INDICTMENTS false, perjury, & distorted, by Cop's (false Indictment) w/ Evid. 6) false & destroyed Evid - by Police & John C. Mc Bride, refused to present EVERYTHING - To Judge ALON w/ A.D.A. DA Police, EXPARTNER of Mc Bride Attorney BILLYKEEFE UNCOVERED EVID (w/ HEID By Mc Bride To FINALLY CONVINCE - All Can Be Proven - #6